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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rui-Zhi Huang

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EXAMINER

HAYES, BRET C

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,378	Applicant(s) HUANG ET AL.	
	Examiner Bret C Hayes	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicant's Arguments, filed 20 DEC 04, with respect to the rejection(s) of claim(s) 1 – 22 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the cited U.S. Patents below.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 16, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,940,884 to Mason, Jr. (*Mason*).
4. Re – claim 16, Mason discloses the claimed invention including a weed-preventing paper for cultivating a plant 3, comprising: a paper body 1 covering a surface of a soil where said plant 3 is to be grown, and having at least two cross openings, as at 11, for example, for said plant 3 to pass therethrough. wherein said at least two cross openings (11) have a lateral crosscut passing therethrough, as at 6, for example, and extending to an edge of said paper body 1 for facilitating said paper body 1 to be mounted around a stem of said plant 3; a weed-preventing agent, such as fungicide as at 16, contained in said paper body 1 for blocking light so as to prevent the growth of a weed surrounding said plant 3. Mason discloses the weed-preventing agent being contained in the paper body 1 by way of reference to using 'a water-soluble, ink-type formulation', as set

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forth at col. 2, lines 53 – 55 (2:53-55), for example. While not explicitly so stated, ink-type formulations are inherently ‘contained’ in a paper body as the ink spreads through the fibers of the paper body.

5. Re – claim 20, Mason discloses a control-release fertilizer to be dissolvable in water, 2:66-3:2, to provide nutrients.

6. Re – claim 22, Mason discloses the paper being made of a biodegradable fiber, see Abstract, for example.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1 and 3 – 8, 10 – 12, 14, 15 and 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason in view of U.S. Patent No. 4,063,452 to Bradshaw.

9. Re – claims 1 and 17, Mason discloses the invention substantially as claimed as applied above.

However, Mason does not disclose a water indicator printed on said paper body and showing hydrous and anhydrous states thereof via different colors for being a reminder of watering.

Bradshaw teaches a water indicator 16 printed on a body 12 and showing hydrous and anhydrous states thereof via different colors in the same field of endeavor for the purpose of monitoring available moisture to potted plants.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mason to include the water indicator as taught by Bradshaw in order to monitor available moisture to a plant.

10. Re – claims 3 and 18, Mason in view of Bradshaw discloses the claimed invention as applied above. Bradshaw further teaches a water indicator **16** containing a cobalt chloride (CoCl_2), as at 3:9, in the same field of endeavor for the same purpose as described above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further have the indicator **16** contain a cobalt chloride as taught by Bradshaw for the reasons set forth above.

11. Re – claims 4 and 19, Mason in view of Bradshaw discloses the claimed invention as applied above. Bradshaw further teaches the indicator **16** being printed on the body in a shape of a word or a figure, 8:37, for the same purpose as described above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mason to include the shape of a word or a figure as taught by Bradshaw for the reasons set forth above.

12. Re – claim 5, Mason in view of Bradshaw discloses the claimed invention as applied above. See rejection of claim 20 above.

13. Re – claim 6, Mason in view of Bradshaw discloses the claimed invention as applied above. Mason discloses the fertilizer being coated or adhered to the paper.

14. Re – claim 7, see claim 4 above. Since Bradshaw teaches a dot or other shape, which would both be ‘figures’ as claimed, the claimed limitation has been met. Further, since beauty is in the eye of the beholder, whether a dot or other shape is ‘greatly beautifying’, is a judgment call at best and not a patentable limitation.

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15. Re – claim 8, see claims 4 and 7 above. The figure of Mason appears to be selected from the group consisting of a flower, a grass, a person and a scenery.

16. Re – claim 10, Mason and Bradshaw both disclose applying the device to one of a potted plant and a fruit tree.

17. Re – claim 11, Mason and Bradshaw both disclose the body being circular.

18. Re – claim 12, Mason discloses the body having a diameter equal to that of one of a pot where the potted plant is grown and an under-canopy area of the fruit tree.

19. Re – claim 14, see rejection of claim 22 above.

20. Re – claim 15, Mason discloses the fiber being one of a plant fiber and a polymer fiber.

It has long been accepted that cellulose is a long-chain polymer, which comes from tree pulp, which is a plant fiber.

21. Claims 9, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason in view of Bradshaw, further in view of US Patent No. 5,729,929 to Burke.

22. Re – claim 9, Mason in view of Bradshaw discloses the claimed invention, as applied above, except for a surface of the paper body has a silver color.

Burke teaches a surface of a body having a silver color in the same field of endeavor for the purpose of reflecting energy, as at 3:48-50, for example.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Mason in view of Bradshaw to have a surface of the body have a silver color as taught by Burke in order to reflect energy.

23. Re – claims 13 and 21, Mason in view of Bradshaw discloses the claimed invention, as applied above, except for the weed-preventing agent being one of inorganic and organic fillers

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being one selected from a group consisting of a black carbon, a silicon dioxide and a titanium dioxide.

Burke teaches such an agent, as at 4:30, 34, in the same field of endeavor for the purpose of achieving a temperature differential.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Mason in view of Bradshaw to have an agent be one of inorganic and organic fillers being one selected from a group consisting of a black carbon, a silicon dioxide and a titanium dioxide as taught by Burke in order to achieve a temperature differential.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (571)272 – 7045. The fax number is (703) 872 – 9306.

bh

4/15/05

A handwritten signature in black ink, appearing to read 'H. Berend', with a stylized flourish at the end.

HARVEY E. BEREND
PRIMARY EXAMINER